

NEVADA DEPARTMENT OF AGRICULTURE
OVERTIME - APPROVAL/RECORDING
POLICY #AG-1-HR-6

PURPOSE:

This policy establishes procedures and provides guidelines to Department of Agriculture employees regarding authorization and compensation for overtime worked.

POLICY:

It is the policy of the Department of Agriculture to ensure employees and supervisors clearly understand their responsibilities in the submittal and approval of requests to work overtime or compensatory time, to include the accurate and timely recording of both the employee request and Director level approval in the Nevada Employee Action and Timekeeping System (NEATS) employee timekeeping system.

Overtime, whether for cash or compensatory time, is a fiscal liability impacting the agency's budget. It is the Department's policy to limit employee overtime to a minimum in order to handle emergency situations, unscheduled or unplanned emergent issues, or to meet critical deadlines. Further, it is imperative that supervisors monitor employee's compensatory time balances in an effort to reduce fiscal liability to the State.

SCOPE:

This policy and the procedures contained within shall apply to all non-exempt department employees.

REFERENCES:

Nevada Revised Statutes (NRS) 281.110, 284.180, 284.181; and Nevada Administrative Code (NAC) 284.242 through 284.258, 284.524, and 284.5255; Department Policy AG-1-HR-5; Executive Order by the Governor dated March 15, 2010; and Fair Labor Standards Act (FLSA).

FORM:

As currently provided by Division of Human Resource Management (DHRM), the Department of Agriculture and NEATS.

RESPONSIBILITY:

1. Agency Human Resource Services (AHRS) shall be responsible for:
 - a. Providing assistance to supervisors and employees in the interpretation and explanation of this policy, other referenced policies, and related federal and state statutes and regulations.

2. Employees are responsible for:
 - a. Adherence to this policy and the requirements set forth within.
3. Supervisors are responsible for:
 - a. Ensuring appropriate documentation of overtime events and prior Director level approvals.
 - b. Acting to reduce overtime liability to the department in compliance with guidelines of this policy.
4. Division Administrators are responsible for:
 - a. Ensuring that their division complies with this policy.
 - b. Reporting any anticipated overtime events to the Director or his designated representative.
 - c. Ensuring that no exceptions are granted to this policy, unless written approval is granted by the Director.

DEFINITIONS:

1. **Overtime** is time earned after 8 hours work in a day unless the employee has entered into a variable work day agreement – in which case overtime is earned only after working 40 hours in a week.
2. **Compensatory time**, also known as “Comp time”, is earned (at time and one-half) in lieu of cash payment of overtime.
3. **Emergent issue** is an event involving imminent danger to life or property.
4. **Emergency** is an event involving imminent danger to life or property.
5. **Flex time/Flex-off** is when an employee adjusts his/her work schedule so that he/she does not exceed 40 hours in the workweek. Example: An employee who works 2 extra hours on Monday and Tuesday will ‘flex-off’ those 4 extra hours that same week – by only working a 4-hour day on Wednesday.

PROCEDURES:

Complying With Governor’s Executive Order:

Per the March 15, 2010 Executive Order by the Governor, which states in part: “The Policy on overtime pay is as follows, regardless of the type of schedule implemented...whether for pay or compensation time, overtime shall not be worked without prior written approval from a director. Recognizing that there are special circumstances when it is not practicable to obtain a director’s prior review and written approval, directors may delegate the approval process in certain circumstances, including but not limited to:

- a. 24/7 facilities/operations where it may be necessary to work overtime to maintain safety, adequate staffing ratios or provide coverage in emergency situations;
- b. Situations where it is in the best interest of the State as determined by the director; and
- c. Work necessary to protect life, safety and well being of Nevada citizens and visitors.”

Delegation of Overtime Approval:

In keeping with the above stated directive within the executive order, only the Director or his designated representative shall approve all overtime or compensatory time requests for the Department of Agriculture.

Overtime Documentation For Authorization:

1. Overtime must not be worked without prior approval by the director or his designated representative, as outlined above. An individual employee who is requesting overtime must complete the request in NEATS indicating whether it will be for comp time or paid overtime and the request must first be reviewed by the supervisor.
 - a. The overtime request must have proper justification with precise descriptions as it relates to a deadline, topic, or incident – not vague explanations like “workload” or “meeting”.
2. If the supervisor determines the request is justified, the request is forwarded in NEATS to the Director or his designated representative for final approval.
3. When the supervisor or division administrator determines overtime will need to be assigned to a work unit or individual employees for an upcoming emergent issue or to meet critical deadlines, that overtime request shall be submitted to the Director or his designated representative, through NEATS, and will include written justification for each work unit and individual to be assigned overtime. This justification shall include the number of hours anticipated and clear explanation of why it is needed.
4. If the overtime is determined necessary, the Director or his designated representative will approve the overtime request in NEATS.
5. Employees must be given at least 4 hours advanced notice of the approval except when emergency circumstances require overtime.

6. Each Division Administrator incurring overtime in his/her division must submit, on a monthly basis, a report which includes: the division name, budget account number, employee name(s), total overtime for pay and reason, and total overtime for comp time and reason. This monthly report must be signed by the Administrator and submitted to the Director.

Overtime in Case of an Emergency:

Only in an emergency will an employee be allowed to work overtime without prior approval (see definition of emergency). The employee must notify the supervisor as soon as possible following the emergency and complete the appropriate overtime approval request in NEATS. All other overtime must be requested in NEATS, in advance, and approved by the Director or his designated representative.

Recording Overtime in NEATS:

1. Employees who record overtime on their timesheet, in NEATS, must:
 - a. Record the beginning and end time for the overtime hours worked and a brief explanation of the overtime, ensuring the accurate code, reason and hours worked matches the explanation on the overtime authorization request.

For example, if claiming 4 hours overtime for comp time, the "Note" section for that particular day should note: the time of day that overtime was earned, such as 5pm to 9pm, clear explanation of work performed; and the time should be coded ACT (accrued comp time).
2. Supervisors shall ensure that the overtime recorded by the employee matches the overtime authorized in NEATS before approving an employee's timesheet where overtime or compensatory time is claimed.
3. If an employee has claimed more overtime than what was originally approved, when that overtime is more than 10% of the amount approved, the employee's timesheet must be sent to the Director or his designated representative for review and approval.

Flex-time:

Flex time may be used as a tool to meet the periodic needs of both the employees and the department. It is the policy of the Department of Agriculture to utilize flex time in lieu of overtime whenever possible to minimize the need for overtime. In order for an employee to flex their time, they must be on a variable workday agreement.

Variable Workday Agreement:

The Variable Workday Agreement is encouraged in order to utilize non-standard, innovative, or flexible/variable work schedules to ensure that the work gets done with the least amount of overtime. This signed agreement between the employee and the department (AHRM form TS-78) is voluntary. It allows the employer and employee to establish a schedule which will more efficiently accommodate the workload within a 40 hour week, while allowing greater flexibility within an employee's work week.

1. For employees approved for a variable workday, hours worked in excess of 40 in a workweek must be flexed against any annual, sick, compensatory or other type of leave taken within the same workweek **before** overtime is recorded and submitted to the supervisor for approval.
 - a. A timesheet should not reflect two hours of annual or sick leave or comp time taken **and** two hours of overtime earned in the same week. These two events should cancel each other out and the employee should note on the timesheet "notes" as flex earned and used.
 - b. This applies whether or not the overtime was pre-approved.

Election of Compensatory Time Agreement:

If the division/department is not in a position financially to support paid overtime, supervisors may authorize compensatory time only. The use of Accrued Compensatory Time (ACT) is an authorized method of payment for overtime work when the employee has agreed, in writing, to utilize that form of compensation. Employees who choose or agree to the option of compensatory time off complete the Election of Compensatory Time form (DHRM form TS-25). With agreements in place, the employer has the choice, within budgetary limitations, to select either cash payment or accrual of compensatory time off each time overtime is required.

Use of Compensatory Time:

Compensatory time must be used within a reasonable time after it is accrued. Department employees will use compensatory time off, as practicable, during the year in which it was earned. An employee must, to the extent possible, exhaust his compensatory time before he uses his available annual leave, unless it would cause an employee to forfeit an amount of annual leave at the end of the calendar year. Additional information regarding the use of compensatory time is located in the Department's Attendance and Leave Policy #AG-1-HR-1.

POLICY COMMUNICATION

This policy will be communicated to all employees and any employee needing clarification should contact AHRS or a Division of Human Resource Management representative for more information.

DIRECTOR'S POLICY AUTHORIZATION:



Jim R. Barbee, Director

3/28/13

Date

APPROVED BY THE BOARD OF AGRICULTURE ON March 26, 2013.
Effective Date

This policy is not a substitute for relevant law or regulation nor does it establish additional rights beyond those provided in law and regulation. This policy is intended to be used in conjunction with the state law and the Rules for State Personnel Administration (NRS & NAC 284).